

REMARKS/ARGUMENTS

Favorable reconsideration of this application is respectfully requested.

Claims 1-15 are pending in this application. Claims 8-11, 13, and 15 were objected to for informalities. Claims 1-13 were rejected under 35 U.S.C. §103(a) as unpatentable over U.S. patent 6,157,478 to Naiki et al. (herein "Naiki") in view of U.S. patent 6,061,190 to Kane et al. (herein "Kane"). Claims 14 and 15 were rejected under 35 U.S.C. §103(a) as unpatentable over Naiki in view of Kane and further in view of U.S. patent 5,2320,449 to Kuroda.

Addressing first the objection to Claims 8-11, 13, and 15, that objection is obviated by the present response. More particularly, each of Claims 8, 13, and 15 is amended by the present response to now consistently refer to "the mounting position," to address the objection thereto.

Addressing now the rejection of Claims 1-13 under 35 U.S.C. §103(a) as unpatentable over Naiki in view of Kane, and the further rejection of Claims 14 and 15 further in view of Kuroda, those rejections are traversed by the present response.

As recognized in the Office Action:

Naiki et al does not teach the plurality of holding and fixing locations comprises pins and holes provided to the light source part and the optical housing, which pins and holes are combined with insertion of the pins to the holes to determine a relative spatial relationship between the light source part and the optical housing.¹

To overcome that recognized deficiency in Naiki the outstanding rejection now cites the teachings in Kane and specifically states:

Kane et al teaches the use of pins (references 30a and 30b) and holes (column 3 line 61) to hold and fix an optical element in a holding and fixing location by inserting the pins in the holes (column 3 lines 59-62). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the pins and holes of Kane et al for the

¹ Office Action of March 29, 2004, page 3, lines 19-22.

plurality of holding and fixing locations in the optical scanning device of Naiki et al in order to make the locating of the light source part relative to the optical housing faster and easier.²

In response to the above-noted basis for the outstanding rejection, applicants respectfully submit that the outstanding rejection (1) does not fully meet the claim limitations, and (2) would not have been suggested to one of ordinary skill in the art as it is contradictory to the teachings in the applied references to Naiki and Kane.

First, applicants note that Kane merely discloses a configuration for positioning to a single fixed location. In contrast to Kane the claims recite “a plurality of holding and fixing locations”. That is, in the claims one of a plurality of predetermined locations can be selected according to a predetermined requirement, and after that positioning is performed for the thus-selected location. The teachings of a single fixed location in Kane clearly do not meet such limitations, and thus even if the teachings in Kane were combined with those in Naiki the claimed invention would not be realized.

Naiki discloses a structure with V-shaped grooves 7a, 10a, see for example Figure 10, provided for adjustment along an optical axis. In Naiki the V-shaped grooves 7a, 10a are provided for freely moving a member therealong. In such a way, applicants submit that Naiki does not disclose or suggest a configuration for positioning at a different finite number of locations. In Naiki an adjustment work is needed for determining a certain one point from among infinite possible points existing along the optical axis in the V-shaped groove. In Naiki such a work requires a very high accuracy.

In contrast to Naiki, according to the claims as currently written a plurality of finite locations (for example two different locations), are previously defined, and a necessary work to be performed for the adjustment merely includes an operation of selecting one of such

² Office Action of March 29, 2004, the paragraph bridging pages 3 and 4.

finite (for example two) locations. Such a work of selecting one of the predetermined finite locations does not require the same type of high accuracy as in Naiki.

In such ways, the claims are believed to differ fundamentally from the teachings in Naiki.

Moreover, applicants respectfully submit that the proposed combination of teachings is contrary to the teachings in the references themselves. That is, the teachings in Kane of providing the single fixed location set by pins is irrelevant and could not possibly be combined with the teachings in Naiki.

As noted above Naiki requires essentially sliding elements within a groove to determine a specific point from among infinite points in the groove. The teaching in Kane of utilizing one fixed point set by pins and holes has no relevance whatsoever to the device in Naiki.

Moreover, one of ordinary skill in the art could not possibly combine the teachings in Kane with those of Naiki. The basis for the outstanding rejection appears to suggest that the pins and holes of Kane could be provided for the plurality of holding and fixing locations in Naiki. However, such a modification is impossible because, as noted above, Naiki requires selecting one point from among infinite points. It is clearly impossible to provide an infinite number of pins and holes in the device of Naiki. Also, Kane does not provide any such teaching of providing plural pins and holes, but again is directed to providing a single fixed location.

As the device of Naiki requires selecting one point from among any point along a groove, the teachings of utilizing a single fixed location set by pins and holes in Kane is irrelevant to the teachings in Naiki and could not possibly be utilized with the teachings in Naiki.

Applicants respectfully submit that the basis for the outstanding rejection is a hindsight reconstruction based only on applicants' own disclosure. The applicants of the present invention recognized that benefits can be achieved by utilizing plural holding and fixing locations. That basic teaching is not taught or suggested by either Naiki or Kane.

For the foregoing reasons, applicants respectfully submit that no combination of teachings in Naiki and Kane renders obvious the claimed subject matter.

Moreover, no teachings in Kuroda are believed to overcome the above-noted deficiencies of Naiki in view of Kane.

In such ways, applicants respectfully submit that each of the pending claims is allowable.


As no other issues are pending in this application, it is respectfully submitted that the present application is now in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

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